United Nations S/2006/160

Security Council

Distr.: General
14 March 2006

Original: English

Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005) of 24 March 2005, in which the Council requested me to keep it regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire and the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS). The report also provides an assessment of the overall situation in the country since my previous report to the Council, dated 21 December 2005 (S/2005/821).

II. Implementation of the major elements of the Comprehensive Peace Agreement

2. While there was some progress in the implementation of the Comprehensive Peace Agreement during the reporting period, several aspects of the process have experienced significant delays, which is a source of concern. In addition, while the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) have on the whole respected the letter of the Comprehensive Peace Agreement, the spirit of cooperation, inclusiveness and transparency envisioned in the agreement has been less than hoped for, and there is an increasing possibility of misunderstandings between the two parties.

3. More than one year after the signing of the Comprehensive Peace Agreement, a number of commissions called for in the agreement have not yet been established. These include the Human Rights Commission, the Civil Service Commission, the Land Commission, the National Electoral Commission and the Commission for the Protection of the Rights of non-Muslims in the National Capital. Among the commissions or committees that have been established, only the Ceasefire Joint Military Committee and the Assessment and Evaluation Commission have met regularly. Several other bodies, such as the ad hoc technical border committee, have yet to convene their first meetings.

4. The Ceasefire Political Commission, which is mandated to supervise the implementation of the ceasefire and security arrangements and settle deadlocks between the parties as reported by the Ceasefire Joint Military Committee, met for the first time on 23 February 2006. The meeting, in which my Special Representative, Jan Pronk, and the UNMIS Force Commander, Lieutenant-General

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Jasbir Singh Lidder, participated, cleared up procedural questions and approved the Commission's terms of reference, paving the way for substantive issues to be taken up in subsequent meetings. The Commission decided that henceforth it would meet on a monthly basis.

5. In the area of wealth-sharing, the Fiscal and Financial Allocation and Monitoring Commission and the National Petroleum Commission were both established, but are not yet performing their key functions, making it difficult to gauge actual progress in this critical aspect of the process. In particular, there have been conflicting reports regarding the share of oil revenues transferred to the Government of Southern Sudan.

6. In spite of these delays, the parties have moved forward on a number of other tasks called for in the Comprehensive Peace Agreement. On 24 December 2005, President Omar Hassan Al-Bashir issued a decree appointing the president and members of the Constitutional Court of the Sudan, who were sworn in on 31 December.

7. On 29 December 2005, President Al-Bashir issued a decree establishing the Joint Defence Board, following the endorsement of the Joint Integrated Units Act by the National Assembly on 19 December. As of 14 February, the Board had met twice.

8. The Assessment and Evaluation Commission, which is tasked with monitoring implementation and conducting a midterm evaluation of the unity arrangements established under the Comprehensive Peace Agreement, held its fourth meeting on 2 February 2006. It approved the Commission's rules of procedure, a workplan for 2006 and a letter of understanding with the Government of National Unity.

9. All but two of the 15 northern states (Khartoum and Southern Kordofan) have adopted their state constitutions. In southern Sudan, the Southern States Constitution Drafting Committee met in Rumbek in December and prepared a model constitution for the southern States, in accordance with the Interim Constitution of Southern Sudan. In February, a committee was tasked with adapting the model constitution to the particular characteristics of each of the 10 southern states.

10. The Sudanese Presidency has not yet acted on the final and binding decisions of the Abyei Boundaries Commission, which submitted its report in July 2005. The Commission was established under the Comprehensive Peace Agreement to define and demarcate the area of the Ngok Dinka chiefdoms transferred to Kordofan in 1905. Lack of action on the report has delayed an agreement on powersharing in the Abyei Assembly, which was to have been established on 9 January 2006.

11. First Vice-President Salva Kiir and the leader of the South Sudan Defence Forces (SSDF), Major-General Paulino Matip, signed the "Juba Declaration on Unity and Integration of the Sudan People's Liberation Army and the South Sudan Defence Forces" on 8 January 2006, at the conclusion of a south-south dialogue held in Juba. It is hoped that this development will enhance stability in southern Sudan. It remains to be seen, however, how the merger agreement will materialize on the ground. By late February, most former SSDF commanders had officially declared their allegiance to SPLA, while a minority had decided to remain loyal to the Sudanese Armed Forces.

12. Under the Comprehensive Peace Agreement, the incorporation of other armed groups into the regular forces of either of the parties or their reintegration into the civil service or civil society institutions should have been completed by 9 January 2006, but the deadline was not met. In January 2006, the Ceasefire Joint Military Committee agreed that the date for final reporting of other armed groups would be extended to 9 March 2006.

13. This important issue is not being addressed through the Comprehensive Peace Agreement mechanisms created for that purpose, in this case the Other Armed Groups Collaborative Committee, which has still not been activated. Following the signature of the Juba Declaration, the Sudanese Armed Forces immediately appointed a new command for SSDF. Paulino Matip has declared, however, that the signing of the declaration means that SSDF no longer exists. Upper Nile has seen numerous clashes involving other armed groups since the end of 2005. The parties should implement the elements of the Comprehensive Peace Agreement designed to deal with such conflicts in a transparent and verifiable process, which will restore confidence in their willingness to end the chapter of proxy forces and militia in the Sudan.

14. During President Al-Bashir's visit to Juba and Rumbek on 14 February, he affirmed the right of the people of southern Sudan to vote in the referendum in 2011 and said that he would prefer separation over war. He also said that NCP was ready to share wealth with the south.

15. The reported activities of the Ugandan rebel group Lord's Resistance Army (LRA) remain a serious concern in southern Sudan. It continues to be a threat to civilians in Equatoria state, as well as to vital assistance activities carried out by United Nations agencies and non-governmental organizations in the region. Recent attacks, allegedly perpetrated by LRA groups, have severely affected critical humanitarian programmes and most of the area around Juba is now operating under a heightened United Nations security status (Phase 4), meaning that all United Nations activities need to be conducted under protection. In Western Equatoria state, an armed attack on the United Nations Children's Fund (UNICEF) and UNMIS compounds at Yambio in February, which was blamed on LRA, is evidence of the tangible threat.

16. According to UNMIS, the Ugandan People's Defence Forces now assess that there may be four separate LRA groups operating in southern Sudan. The parties to the Comprehensive Peace Agreement, who agreed in Naivasha that they were responsible for addressing the issue of foreign insurgency groups, must work together more effectively with their Ugandan partners to resolve the issue, including by working to bring about the capture of LRA leaders indicted by the International Criminal Court and ensure their transfer to The Hague. It is worth recalling in this connection, that UNMIS force configuration, capacity and assets in the Sudan, as well as its mandate, do not allow it to carry out any functions additional to those set out in Security Council resolution 1590 (2005).

17. During the reporting period, regional developments continued to have a serious impact on the situation in the Sudan. The already strained relations between the Sudan and Chad deteriorated further following a reported attack by Chadian opposition groups on 18 December 2005 on the Chadian border town of Adre. The incident led to an exchange of accusations between Khartoum and N'Djamena and a worrying build-up of troops on both sides of the border. Efforts by the African

Union (AU) and the Libyan Arab Jamahiriya to defuse the tensions culminated in an agreement signed at Tripoli on 8 February 2006, in which the Presidents of Chad and the Sudan agreed to work on settling their disagreements. However, reports of tensions in the border area, which have continued since the signing of the Tripoli agreement, have had a serious destabilizing effect on the region. Relations between the Sudan and Eritrea, which had improved in December, have recently become more difficult again.

18. UNMIS closely monitored regional developments and contributed to efforts aimed at strengthening cooperation among the United Nations missions in the region. Substantive interaction took place between UNMIS and the United Nations Mission in the Democratic Republic of the Congo (MONUC), the United Nations Mission in Ethiopia and Eritrea (UNMEE), the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and the United Nations country team in Chad.

Darfur

19. The security situation in Darfur has continued to deteriorate in several areas. Peace talks in Abuja failed to meet the 31 December 2005 deadline set by the parties themselves. Following the start of the seventh round of talks on 29 November, little progress was registered, except in the commission on wealth sharing. Since mid-January 2006, the overall pace of negotiations has picked up, although the parties have not yet been able to reach agreement on any of the major issues under discussion in either the powersharing commission or the commission dealing with security arrangements.

20. The rebel movements, in particular the Sudan Liberation Movement (SLM), remain divided. The longer the Abuja process lasts, the more the movements may fracture and the less control they will have over armed elements on the ground. External factors, such as instability in Chad, continue to loom over the process, and the escalated violence in West Darfur has both impinged negatively on the peace negotiations and limited the scope of United Nations operations. AU mediators and international partners, including my Special Representative, have consistently urged the parties to work as expeditiously as possible, stressing that the time had come to conclude a peace agreement.

21. During the reporting period, UNMIS continued to provide support to the Panel of Experts established pursuant to Security Council resolution 1591 (2005).

Liaison with the African Union Mission in the Sudan

22. UNMIS continued to liaise and work closely with the African Union Mission in Sudan (AMIS) through regular contacts with the AU Special Representative in the Sudan and the AU presence in Darfur, as well as through periodic meetings between the United Nations Assistance Cell and the AU leadership in Addis Ababa. The Assistance Cell also continued its support to AU in the areas of operational planning and management.

23. In its communiqué of 12 January, the AU Peace and Security Council, inter alia, expressed its support, in principle, to a transition from AMIS to a United Nations operation. The decision was followed by a statement of the President of the Security Council on 3 February (S/PRST/2006/5). Since then, consultations with

AU and informal contingency planning for a possible United Nations operation in Darfur have started. I have established a planning team, which is led from United Nations Headquarters in New York and includes United Nations elements in Khartoum and Addis Ababa. Planning for a possible transition will be based on the experience and expertise gained by AU, and AMIS in particular, as requested in the 3 February statement of the President of the Security Council. The support and cooperation of the Government of National Unity and other parties to the Abuja process will also be essential.

III. Implementation of the mandate of the United Nations Mission in the Sudan

Political support and reconciliation

24. To assist the parties in implementing the Comprehensive Peace Agreement and resolving ongoing conflicts in Sudan, UNMIS continued to provide good offices and political support, in accordance with paragraph 3 of resolution 1590 (2005).

25. In eastern Sudan, UNMIS continued to urge the Eastern Front leadership and the Sudanese Government to engage in peace talks at the earliest opportunity. The need for the earliest negotiated agreement was underscored by incursions into Hameshkoreib by militia allied to the Sudanese Armed Forces on 11 January 2006, two days after the expiry of the original deadline set in the Comprehensive Peace Agreement for the completion of the redeployment of forces of the Sudan People's Liberation Army from the area. Despite the parties' approval of a mediation offer by the Libyan Arab Jamahiriya in October 2005, negotiations have so far not started, raising serious concern about the possibility of the resumption of fighting between the Government and the Eastern Front upon the withdrawal of the SPLA forces.

26. Localized conflicts in southern Sudan are also contributing to instability. Much of this fighting is associated with the seasonal movement of people and cattle to the dry-season grazing areas. Through the timely dispatch of United Nations teams, a combination of military observers, police and humanitarian, civilian affairs, human rights and force protection personnel, UNMIS has been able to prevent or manage the escalation of localized conflicts in a number of locations over recent months.

27. In Bor, UNMIS helped diffuse tensions between SPLA and the Sudanese Armed Forces soldiers, while in the area of Kaka near Malakal, UNMIS intervened through the Area Joint Military Committee and the Ceasefire Joint Military Committee and was able to persuade local elements of the Sudanese Armed Forces and SPLA to refrain from military action. In Western Equatoria, UNMIS established a United Nations military observer presence in the town of Yambio following clashes between the Zande and the Dinka. However, tensions between these two groups continue, as their underlying causes have yet to be addressed. Renewed clashes were reported in February in Nadiangere, north of Yambio, displacing an estimated 35,000 people.

28. In Abyei, despite previous concerns that the start of the migration season could lead to clashes between the Misseriya and Dinka tribes, owing, in particular, to uncertainty over the Abyei boundary issue, the migration of nomads has proceeded without major incident. There too, the Mission's good offices and increased civilian, police and military presence has had a stabilizing effect in the area.

29. UNMIS continued to lend its strong support to the AU-led mediation effort in Abuja by providing good offices, substantive expertise and logistical support for participants attending the talks. Gradually, UNMIS is also becoming involved in local reconciliation efforts in Darfur.

Military deployment and activities

30. United Nations military deployment has continued during the reporting period but remains behind schedule. As of 4 March 2006, the strength of the military contingent stood at 7,697 personnel, or 78 per cent of an expected total of 9,880 from 66 countries. The total included 171 staff officers, 635 military observers and 6,891 troops. It is hoped that UNMIS deployment will be largely completed by the end of March, however, some critical Mission assets still remain to be deployed, including Russian and Pakistani aviation units, three demining companies, the majority of the Kenyan contingent and enabling units from China.

31. A contributing factor to some of these delays is the heightened United Nations security status in effect in the area south of Juba, through which the majority of the contingent-owned equipment has to transit. In this area, all convoys have to be escorted, overstretching the force protection troops. Another factor delaying deployment is the limited capacity of local contractors to provide vehicles and barges for large-scale deployments over long distances.

32. Team site preparation has made steady progress during the dry season. Fully functional sites now include Juba, Torit, Maridi, Wau, Rumbek, Melut, Bentiu, Kadugli, Kauda, Dilling, Ed Damazin, Abyei and Kassala. The site at Malakal has not progressed as planned, however, owing to the acute shortage of construction material on the local Sudanese market, including, most crucially, gravel, and access difficulties related to the presence of mines. This has resulted in the need to relocate the Indian force reserve from Malakal to Kadugli. The access road at the Malakal site is in the process of being demined.

33. All military contingents have deployed with their respective level I clinics. The second phase of the establishment of level II and level III hospitals is expected to be completed by the end of March, and the personnel for these hospitals has been deployed in all sectors, except Wau.

34. The Bangladeshi (Sector I), Indian (Sector III), Egyptian (Sector IV), Pakistani (Sector V) and Zambian (Sector VI) contingents are nearing full strength. The Indian aviation unit is ready for limited operational tasking, but has yet to achieve night-flying capability. Delivery of contingency-owned equipment for the contingents from Bangladesh, Zambia, Nepal, India and Pakistan has been completed, while the delivery of the Chinese, Cambodian and Kenyan contingency-owned equipment is in progress. The Bangladeshi riverine unit is still being staged forward to Malakal, with delays being caused by limited availability of barges. The Rwandan protection company has assumed full duties in Khartoum. Medical evacuation capability by air is functional but limited, pending Indian helicopters achieving night-flying capability.

35. The Ceasefire Joint Military Committee has held 20 meetings under the chairmanship of the UNMIS Force Commander and continues to work effectively. It provides an important forum for oversight, coordination and liaison between the parties, thus facilitating their efforts to implement the Comprehensive Peace

Agreement. The Ceasefire Joint Military Committee decided that, as of 1 January 2006, troop movements would not be accepted as compliant with redeployment obligations unless they have been physically monitored and verified by joint military teams. While progress is being made in collecting data, both parties are still to provide comprehensive data about their forces. At the meeting of the Ceasefire Joint Military Committee on 28 February, SPLA said that it would redeploy its forces from eastern Sudan by 6 May, with logistical support to be provided by the Sudanese Armed Forces.

36. The Ceasefire Joint Military Committee has succeeded in forging a consensus between the parties on a number of issues. As mentioned above, UNMIS has resolved standoffs in a number of locations. The Committee, through the Joint Monitoring and Coordination Office, has successfully trained 66 national monitors (out of a planned total of 252), who have been deployed to the sectors. However, the fact that the national monitors are so far not being provided financing by the parties is a major hindrance to the process.

37. Over the past three months, both parties nominated the majority of the forces required to form the Joint Integrated Units and moved them to assembly areas. The Sudanese Armed Forces reported that 15,752 troops (2,384 verified by United Nations military observers) were available for the Joint Integrated Units. SPLA reported that 14,929 troops (11,400 verified by United Nations military observers) were available for the units. However, no Joint Integrated Units have yet been formed, and the timelines in the Comprehensive Peace Agreement have thus been compromised.

38. The continued delays in formation of the Joint Integrated Units may pose major problems for the implementation for the Comprehensive Peace Agreement. The Units are not only essential for addressing potential conflicts, but their continued non-existence may become a source of insecurity itself, as frustration among the soldiers, many of whom are not being regularly paid, is on the rise. UNMIS has made this concern clear to both parties.

39. The key to establishing the Joint Integrated Units is the activation of the Joint Defence Board. Selected Unit divisional commanders from both parties cannot form even battalion-level integrated units without specific and detailed direction from the Joint Defence Board, which, despite pressure from the Ceasefire Joint Military Committee, has yet to establish the Joint Integrated Units headquarters and a funding stream to pay the Units.

40. While the logistical challenges to the deployment of the UNMIS military component have been every bit as arduous as my early reports on the Sudan anticipated, much of that component is now operational in the Mission's current areas of responsibility. As mentioned above, there are considerable obstacles to the smooth implementation of the Comprehensive Peace Agreement and a number of spoiler factors that have already led to violent incidents and have the potential to cause considerable harm to the peace process. Where localized conflicts and flare-ups occur, UNMIS continues to juggle resources at its disposal, but is now increasingly able to react swiftly in an effort to contain crises before they spin out of control. In its resolution 1590 (2005), the Security Council requested me to regularly review the troop levels of UNMIS, and the 3 February 2006 Presidential statement (S/PRST/2006/5) referred to a possible reallocation of existing troops and assets to Darfur. Given the fragile situation in the current Mission area of

responsibility and the considerable challenges ahead, I would strongly caution against any reduction of the UNMIS presence at this time.

Disarmament, demobilization and reintegration

41. During the reporting period, progress was made in supporting the national disarmament, demobilization and reintegration authorities. Demobilization of child combatants commenced with the formal discharge of children from the SPLA forces in Western Upper Nile. The South Sudan Disarmament, Demobilization and Reintegration Interim Authority has so far demobilized over 140 children and reunited them with their families.

42. Assessments of disabled soldiers and women associated with the SPLA have been completed. The implementation of transitional support services and/or projects for these target groups was expected to start in March 2006. UNMIS is providing technical support through the disarmament, demobilization and reintegration authorities of southern Sudan for the pre-registration of the concerned SPLA personnel (including the recently aligned other armed groups). This will not only help to establish the number of women and disabled combatants eligible for reinsertion assistance, but will also generate data for the design of the formal multi-year disarmament, demobilization and reintegration programme. A similar pre-registration support has been offered to the northern disarmament, demobilization and reintegration authorities for the other armed groups aligned to the Sudanese Armed Forces.

43. The Government of Canada has recently contributed 500,000 Canadian dollars for the implementation of the interim programme. This contribution, together with the previous donations of the Governments of Japan and the United Kingdom of Great Britain and Northern Ireland, are welcome, but more donor support is required for the interim programme. President Al-Bashir formally decreed the establishment of the National Council for Disarmament, Demobilization and Reintegration Coordination and the Disarmament, Demobilization and Reintegration Commission for Northern Sudan on 18 February 2006. The Government of Southern Sudan is yet to similarly decree the establishment of the Disarmament, Demobilization and Reintegration Commission for Southern Sudan and to provide adequate and capable staffing. Also, while the Government of Southern Sudan formally endorsed the interim disarmament, demobilization and reintegration programme in January 2006, the Government of National Unity has not yet formally endorsed it.

44. In paragraph 39 of my previous report (S/2005/821), I outlined the need for UNMIS to play an augmented role in the eventual downsizing and/or voluntary demobilization of considerable numbers of ex-combatants, beyond what had been explicitly stated in the Comprehensive Peace Agreement. This augmented role will be required in light of the limited capacities of the parties, the close link between the disarmament, demobilization and reintegration programme and the UNMIS mandate to support the peace process and a result of our experiences in planning and supporting the current interim disarmament, demobilization and reintegration programme with the parties. Given the concerns of the General Assembly, voiced during its deliberations on the UNMIS budget for 2004-2005, concerning the extent to which the Mission should provide support to the parties, an endorsement from the Security Council for such an augmented role would assist the Mission in supporting the implementation of the full Sudanese disarmament, demobilization and

reintegration plan, including addressing the disarmament, demobilization and reintegration of the other armed groups.

Police

45. The deployment rate of the United Nations police component has steadily increased. As at 5 March 2006, there are 474 police officers deployed of an authorized total of 715, from 32 countries, in spite of a lack of facilities in many areas. United Nations police were deployed to UNMIS team sites at Torit, Aweil, Bentiu, Melut, Bor and Abyei.

46. Capacity- and confidence-building activities continue to be major areas of focus for the police component. In cooperation with the United Nations Development Programme (UNDP), United Nations police have engaged close to 700 senior and junior local police officers in several training activities in different locations in the south. Significant among the training activities was a workshop for 17 top-level police officers from the rank of Major-General and Brigadier from a range of headquarters departments in Khartoum. United Nations police have continued to monitor, advise and report on the activities of the local police in southern Sudan. The process of reforming and restructuring the SPLM police has begun with the launch of a pilot sector assessment programme.

47. At the national level, the police of both the Government of National Unity and the Government of Southern Sudan still resist efforts to form a combined forum to address matters of common importance. This has now been raised as a matter of concern at the highest political level, including by my Special Representative.

Human rights

48. National security officers continue to arrest and arbitrarily detain individuals considered to be a threat to the State, including students and human rights defenders. Ill-treatment and torture of people in national security custody continue to be reported. The process of legislative reform envisaged by the Comprehensive Peace Agreement and the Interim National Constitution has not yet commenced. However, steps have been taken by the Government of National Unity to ensure that national security recruitment is more representative.

49. In Darfur, as detailed in my monthly reports to the Security Council, indiscriminate attacks continued against civilians, including assault and rape of women by armed militias. Police and other officials are often involved in human rights abuse.

50. In southern Sudan and Abyei, rights to due process and fair trial guarantees are hampered by a lack of human and financial resources in the law enforcement and justice sectors. In the absence of a functioning justice system in some regions, customary laws are applied that do not adequately protect individual rights.

51. Owing to lack of agreement between NCP and SPLM on the draft law for the National Independent Human Rights Commission, no developments had taken place in relation to the establishment of the Commission. In addition, there have been insufficient efforts to consult with civil society and other relevant actors in the preparation of the draft law.

52. As part of efforts towards reforming laws that are inconsistent with international human rights standards, UNMIS conducted human rights workshops for civil society organizations in Kordofan, Kassala and Juba, and meetings with parliamentarians in Khartoum.

Rule of law

53. Working closely with donors, UNMIS and UNDP collaborated in providing support to the Commission Preparatory Team for the National Judicial Service Commission. UNMIS and UNDP are also providing capacity-building support to the Commission. The multi-donor trust fund has approved a UNDP-supported capacity-building project for the national judiciary, to be implemented jointly with the Government of National Unity. The Government has agreed to contribute $5 million to the $18 million project. The Southern Sudan Fund has approved $70 million for an initial project proposal on rule of law capacity-building.

54. Key tasks of UNMIS within the judicial area include observance of the adherence by parties to their rule of law-related commitments in the Comprehensive Peace Agreement. The National Judicial Service Commission Act, which has been signed into law, vested power in the President of the Republic to appoint all judges, including those from southern Sudan. This is in clear violation of the Interim National Constitution and the Interim Constitution of Southern Sudan.

55. The Interim National Constitution, in accordance with the Comprehensive Peace Agreement, calls for the creation of a national security service of a truly national character, with duties focused on gathering information and analysis. However, the current national security service still has law enforcement powers and controls detention facilities in Darfur, among other areas. The national security laws need to be brought in line with the Interim National Constitution.

56. I am concerned about the new law regulating non-governmental organizations, which was passed by Parliament on 21 February 2006. My Special Representative has written to the Government to raise concern about the new requirement for executive-level approval of foreign funding for non-governmental organizations. I believe this constitutes an unreasonable level of Government interference in the activities of non-governmental organizations and donors that could affect the delivery of humanitarian assistance in the Sudan.

Public information

57. UNMIS Radio is ready to go on the air in Khartoum and, within weeks, in Juba. While the Government of National Unity has now allocated a countrywide frequency to UNMIS radio, as per the status-of-forces agreement, no formal licence has yet been granted. A delay has arisen over whether the Sudan Radio and Television Corporation or the Government of Southern Sudan holds authority over locations in the south where UNMIS plans to co-locate relay stations on broadcast sites. It is the view of UNMIS that it has already been authorized to carry out radio broadcasts under the terms of the status-of-forces agreement. UNMIS has also reached agreement with the Government of Southern Sudan concerning its radio operations in the south. However, the Sudan Radio and Television Corporation continues to claim authority over all broadcast sites in the south and does not accept the UNMIS agreement. The Government of National Unity should grant an

immediate license to UNMIS for its radio operations and accept its agreement with the Government of Southern Sudan.

58. The Sudan Radio and Television Corporation maintains its position that UNMIS Radio will not be allowed to broadcast independently in Darfur or areas in eastern Sudan but that it may be allowed some airtime on Government transmitters. As I stated in my previous quarterly report, such limitations will severely restrict the Mission's broadcasting capability, which is unacceptable.

59. Weekly briefings by the UNMIS spokesperson, regular press conferences given by my Special Representative, the online publication of the UNMIS "Comprehensive Peace Agreement Monitor" and Mission newsletters distributed in northern and southern locations provide important outlets to the media and the general public in the Sudan. Plans are moving ahead in both southern Sudan and northern locations for further outreach to the general population on the Comprehensive Peace Agreement and the role of UNMIS.

Humanitarian assistance

60. The intensification of violence in Darfur resulted in temporary and localized access restrictions for humanitarian organizations. The situation was most acute in West Darfur, where humanitarian activities were trimmed down to essential services in some areas as a result of the reduction of staff under heightened United Nations security restrictions (phase 4). In February 2006, the Government of National Unity indicated that it would extend the "Moratorium on Restrictions for Humanitarian Work" in Darfur until December 2006. This extension is essential for the humanitarian community, allowing it to provide effective assistance to war-affected populations in Darfur.

61. In southern Sudan, the increased presence of the United Nations and non-governmental organizations has led to the strengthening of humanitarian activities in food assistance, nutrition, health, water and other fields. Nearly 1.8 million people, including about 120,000 returnees every month, have been assisted with general food distributions. More than 600 new water sources have been constructed and nearly 600 others rehabilitated, giving an additional 600,000 people access to safe water. These gains have been somewhat offset, however, by insecurity and violence. Humanitarian space, most notably in Equatoria, has been shrinking due to violence, allegedly perpetrated by LRA. Key access roads have become inaccessible to humanitarian workers without military escorts, and only a minimum level of life-saving activities can be carried out in many areas while relief operations have had to be suspended entirely in others.

62. In February 2006, the Government, together with non-governmental organizations and United Nations agencies, undertook efforts to control a rising number of cases of acute diarrhoea, which had claimed the lives of 52 people in Yei and 75 people in Juba, as of 3 March. Some samples tested positive for cholera. Water treatment and public hygiene measures were being strengthened in affected areas in order to prevent the spread of cholera.

Protection of civilians

63. The protection of civilians, particularly children, remains of concern throughout the Sudan. Poverty and other factors force many children in Khartoum

and in the towns of southern Sudan to live on the streets. A growing number of these children end up in detention. Legal frameworks for juvenile justice are inadequate, as are social policies to address neglect and abandonment of children. Under these circumstances, children remain vulnerable to recruitment into armed groups.

64. Returns precipitated by dire living conditions or local conflict are likely to cause protection problems. It is the primary responsibility of the authorities in both northern and southern Sudan to safeguard the protection of internally displaced persons who are unable or choose not to return. In addition, those families that return on their own must not be forgotten once they arrive in their home areas. In particular, their basic needs must be met and much more investment and action are required to create a protective environment in places of origin.

Returns

65. As many as 500,000 people returned spontaneously to southern Sudan in 2005, including internally displaced persons and refugees. During the first quarter of 2006, UNMIS helped to coordinate the assisted return of some 12,000 internally displaced persons to Jonglei state from 34 cattle camps in Western Equatoria. By early February, they had all passed through Juba, leaving about 4,300 vulnerable people at a temporary way station established at Lologo, south of Juba. Through a voluntary process, vulnerable members of this displaced community were separated from the more able-bodied, who walked back to Jonglei together with up to 300,000 head of cattle. The UNMIS military component supported the effort through the provision of medical and engineering services at the Lologo way station and by deploying United Nations military observers to Jonglei state to reduce tensions in the area. A temporary office was established in Bor to coordinate the return operation at the reception site.

Mine action

66. To assist in the process of opening up roads and enabling the return of internally displaced persons, UNMIS mine action teams have continued operations in the Nuba Mountains, Juba, Rumbek, Wau, Yei, Malakal, Ed Damazin and Darfur. Over 390 kilometres of roads have been verified or cleared for emergency deployment and aid delivery, including the Kadugli-Talodi and Rumbek-Wau roads. It is hoped that by the end of March 2006, it will be possible to drive from Khartoum to the Ugandan border on roads that have been identified by UNMIS as high priority, going through Abyei, Wau, Rumbek and Yei. These roads are currently being verified and cleared using UNMIS-supported assets. The Mission's priority is to open the ring road connecting Juba, Rumbek, Wau, Abyei, Kadugli, Malakal, Bor and back to Juba by the start of the coming wet season, with feeder roads going through Lokichokio, Kapoeta, Torit to Juba, from Yei to Juba, and from Nimule to Juba.

67. To date, 2.1 million square metres of suspected dangerous areas have been cleared. The destruction of 619 anti-tank mines, approximately 183,051 pieces of unexploded ordnance, and 788 anti-personnel mines has been carried out. Mine risk education continues to be provided to internally displaced persons in camps located in Khartoum and in way stations established at various locations to facilitate the return of the displaced.

68. The United Nations Mine Action Office completed predeployment training of demining companies in Egypt, Kenya, Pakistan, Bangladesh and Cambodia. The companies have been accredited to international standards and are ready for deployment.

69. However, demining work has continued to be hampered by lack of funds as well as insecurity in the south. In addition to addressing the immediate needs of the Mission to deploy through route and area clearance, the mine-action component requires improved data collection through survey activities to prioritize high- and medium-impact areas for clearance.

70. Currently, the perception and reality of the presence of mines in the Sudan is a serious inhibiting factor to development. This is contributing significantly to the extreme level of poverty and lack of primary health care and education services among the rural populations of the country, in particular in the south. There is an immediate need for funds to support route and technical surveys, route clearance and mine risk education to identify and neutralize both the perceived and real threats of mines throughout transitional areas and southern Sudan.

71. On 25 December 2005, a presidential decree was issued for the establishment of the National Mine Action Authority. Although the Comprehensive Peace Agreement calls for the establishment of two mine action authorities (one for the north and one for the south), the decree orders the establishment of a single national mine action authority, with a general secretariat and National Mine Action Centre based in Khartoum. Under the National Mine Action Centre, there will be a Regional Mine Action Centre in southern Sudan, based in Juba.

Economic recovery and reconstruction

72. Efforts to coordinate support for economic recovery and reconstruction have continued. With respect to the multi-donor trust funds, grant agreements between the Government of Southern Sudan and the World Bank have now been signed for an emergency infrastructure and transport programme and an overall reconstruction programme focusing on getting the offices of the Government of Southern Sudan up and running, establishing a procurement agent, procuring drugs and school supplies and providing water in rural areas of southern Sudan. Grant agreements have also been signed between the Government of National Unity and the World Bank to establish a community development fund, as well as a technical assistance facility to support the work of Government counterparts.

73. With the International Monetary Fund (IMF), the World Bank and Government counterparts, significant effort has also gone into identifying and assessing progress made towards the 2005 targets identified in the Sudan Joint Assessment Mission, in preparation for the Meeting of the Sudan Consortium in Paris on 9 and 10 March 2006. Progress in meeting the targets set by the Joint Assessment Mission has fallen short, partly due to the lack of disbursement of donor funds through the multi-donor trust funds. Most worrying has been the lack of overall progress in the three transitional areas, Abyei, Blue Nile and Southern Kordofan. Although some $440 million was requested to support recovery and development in 2005, only $172 million has been disbursed.

Support from donors

74. The 2005 workplan focused on maintaining the massive humanitarian operation in Darfur and southern Sudan and transitioning from humanitarian assistance to recovery and development, where possible. Against requirements of nearly $2 billion, just over $1.1 billion was received, primarily for humanitarian requirements. As such, implementation of the workplan has resulted in significant achievements on the humanitarian side. These accomplishments have included the distribution of food to six million people, ensuring that over 600,000 additional people have access to clean water, and targeting approximately two million people with health services in southern Sudan. Working to try to fill the gap in urgently needed recovery and development interventions, efforts were also made to support the establishment of governmental institutions at the state and local levels, to repair or construct 820 kilometres of roads in southern Sudan and to strengthen rule of law throughout the Sudan.

75. The 2006 workplan for the Sudan was launched in December 2005, with total funding requirements amounting to $1.7 billion, including $1.5 billion in humanitarian requirements and $211 million for recovery and development activities. A common humanitarian fund has been established for the Sudan, in which participating donors provide funding through the common framework towards humanitarian elements of the workplan, under the guidance of the humanitarian coordinator. Confirmed donors to the common humanitarian fund modality include the United Kingdom, the Netherlands, Sweden and Norway.

76. The 2006 workplan is currently funded at $281.9 million, or 16.3 per cent. While the common humanitarian fund mechanism has enabled projects to be initiated and has ensured an appropriate distribution of available funds, there are large shortfalls in all sectors. Humanitarian, recovery and development needs remain high and urgent. It is therefore extremely important that donors remain fully engaged in the Sudan in 2006 and that the requirements of the workplan are met in a timely manner.

Gender

77. UNMIS continued to support gender mainstreaming both within the mission and with the Government. The Gender Unit continued to provide induction training on gender awareness to newly arrived staff and other UNMIS personnel. Until the recent establishment of the Conduct and Discipline Unit, the Gender Unit also provided training to staff on the prevention of sexual exploitation and abuse.

78. During the reporting period, the Gender Unit collaborated with a number of mission components to provide gender-awareness training to a number of external actors, including SPLA and the Sudanese Armed Forces national monitors, high-ranking police officers, representing different organs of the northern Sudanese police, and media representatives, as well as giving briefings to the Northern Disarmament, Demobilization and Reintegration Commission and to communities in Western Equatoria state, in collaboration with UNMIS civil affairs.

HIV/AIDS

79. The HIV/AIDS Unit of UNMIS conducted induction training for 1,398 UNMIS troops and military observers, as well as predeployment training for 350

military observers in Nairobi. A training-of-trainers course in HIV/AIDS peer education was conducted in Juba for representatives of SPLA and the Sudanese Armed Forces and others. UNMIS participated in a three-day workshop held in Rumbek during which an SPLA HIV/AIDS policy was developed. In Darfur, the Unit provided technical support for HIV/AIDS campaigns.

Conduct and discipline unit

80. The head of the conduct and discipline team of UNMIS has taken up her post and recruitment of the rest of the team is under way. The Office of the Chief of Staff, as the interim focal point for conduct and discipline issues, has now handed over all related functions to the Mission's conduct and discipline unit. The Office of Internal Oversight Services has been strengthened and currently has three resident investigators. Two additional investigators are expected to join the Mission shortly.

Status-of-forces agreement

81. I am pleased that the status-of-forces agreement for UNMIS was finally signed with the Government of the Sudan on 28 December 2005. It gives the Mission a much firmer footing for its operations, based on an agreed understanding with the Government. Weekly meetings between UNMIS and the Ministry of Foreign Affairs continue and provide the opportunity to discuss various implementation issues related to the agreement. The Ministry of Foreign Affairs is undertaking considerable efforts to resolve pending issues with other pillars of the Government.

82. The status-of-forces agreement clearly provides for the extension of its provisions to the United Nations funds, programmes and offices operating in the Sudan when they are performing functions related to UNMIS. Under the integrated mission structure provided for by Security Council resolution 1590 (2005), all their functions are considered to be related to UNMIS. The provisions relating to freedom of movement are particularly important for the effective operation of United Nations entities. I am concerned that United Nations military observers have continued to face restrictions on their freedom of movement in the Abyei area after the signing of the status-of-forces agreement.

83. Pursuant to paragraph 8 of Security Council resolution 1590 (2005), a memorandum of understanding with Uganda for the free, unhindered and expeditious movement of UNMIS personnel and equipment to the Sudan was finalized on 27 January 2006. The memorandum of understanding concerning UNMIS activities in Kenya has not yet been finalized.

Civilian staffing

84. As at 4 March 2006, the Mission had on board 616 international staff, 1,165 national staff and 90 United Nations Volunteers.

Financial aspects

85. The General Assembly, by its resolution 60/122 of 8 December 2005, appropriated the amount of $969,468,800, equivalent to $80,789,100 per month, for UNMIS for the period from 1 July 2005 to 30 June 2006. Should the Security Council decide to extend the mandate of UNMIS beyond 24 March 2006, the cost of

maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the Assembly.

86. As at 31 December 2005, unpaid assessed contributions to the Special Account for UNMIS amounted to $522 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,918.8 million.

IV. Observations

87. Since the signing of the Comprehensive Peace Agreement in January 2005, the parties have taken a number of important steps in the implementation process. However, as implementation enters its second year, I believe that there is cause for concern. The process is falling short of expectations on a number of fronts. Of particular concern is that the institutions of the Comprehensive Peace Agreement designed to offer a political forum to consider and resolve differences over implementation have not yet begun to be used effectively by the parties.

88. In particular, since the National Petroleum Commission is not fully functional, there is a lack of transparency in the sharing of oil revenues with the Government of Southern Sudan. This in turn is seriously complicating relations between SPLM and NCP and eroding confidence in the Comprehensive Peace Agreement for many southern Sudanese. The National Petroleum Commission must work independently and transparently and must meet regularly to review contracts and to ensure that the petroleum sector is managed properly.

89. Similarly, the National Constitutional Review Commission, which was circumvented during the creation of several bodies, was recently re-established by presidential decree, but its mandate, as stipulated in the Comprehensive Peace Agreement, was not included in the decree. It is of the utmost importance that commissions be established and allowed to function with the necessary independence and efficiency. The Comprehensive Peace Agreement will be greatly undermined if it is divorced from the rule of law and if the requirements of due process, independence of the judiciary and separation of powers are not respected.

90. Owing to the prolonged delay in making the Ceasefire Political Commission operational, a number of issues that require political decisions have built up at the level of the Ceasefire Joint Military Committee, a situation which is jeopardizing its effectiveness. Now that the Ceasefire Political Commission has held its first meeting (23 February), it should start addressing the important issues submitted for its consideration by the Ceasefire Joint Military Committee.

91. Other security arrangements, such as the formation of the Other Armed Groups Collaborative Committee and the Joint Integrated Units, are still proceeding too slowly. Any further delay in the formation of the Joint Integrated Units may seriously weaken the capacity of the Sudanese parties to prevent or address potential conflicts on the ground in a timely manner, some of which are arising from the lack of control over other armed groups. These issues are critical to the sustainability of peace in the Sudan.

92. Another important and sensitive issue is the controversy surrounding the future status of Abyei. This uncertainty has created a tense situation on the ground, making it difficult for reconstruction and development projects to be carried out in the area. The decision of the Abyei Boundaries Commission must be implemented in a

responsible manner, with full respect for the rights of the peoples involved. Lack of action on Abyei is also undermining confidence for the peaceful resolution of other contentious issues, such as the status of Khartoum as either national capital or northern state.

93. The crisis in Darfur is having a direct and negative effect on the timely implementation of the Comprehensive Peace Agreement. Efforts to negotiate an end to the conflict are putting considerable pressure on the relationship between the partners in the Government of National Unity. It is essential that all parties in Darfur seriously engage in finding a swift and durable political solution to the conflict in order to avoid the prolonged suffering of civilian populations and to ensure that the region does not further slip into chaos. It will also be critical for the Governments of the Sudan and Chad to address in good faith the tensions that have risen between them and to prevent further violence occurring in border areas between the two countries. Urgent and specific steps are required to de-escalate a dangerous situation. I would also like once again to commend AU and AMIS for their critical work in Darfur.

94. In eastern Sudan, a problem that seemed manageable only a few months ago has been complicated because the concerned parties did not make negotiations a priority. The imminent redeployment of SPLA from Hameshkoreib makes it imperative that direct talks between the Government of National Unity and the Eastern Front be initiated as soon as possible and that an agreement be rapidly concluded to ensure peace and stability and allow for humanitarian and development activities in the area.

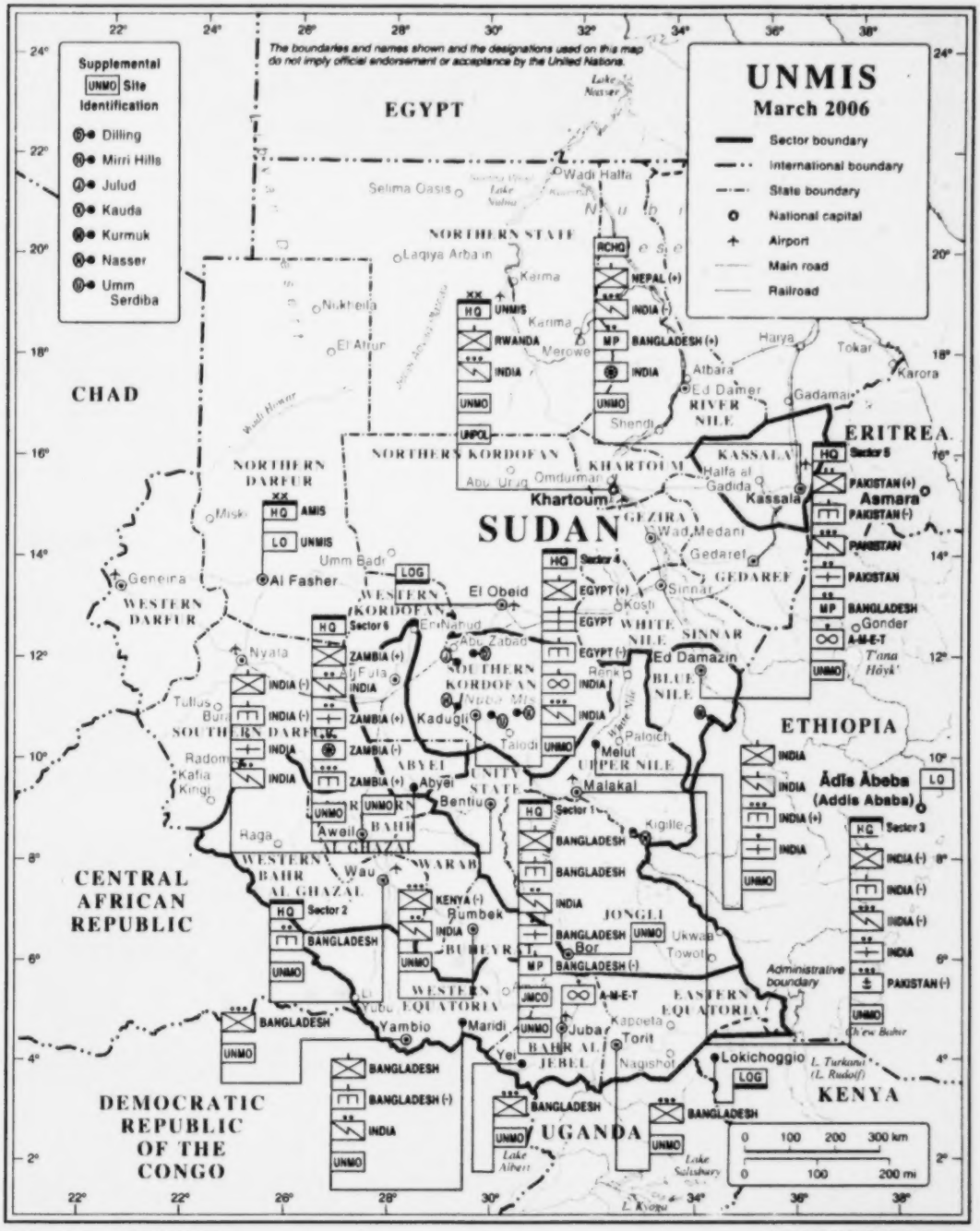
95. Making unity attractive for the people of southern Sudan will remain one of the greatest challenges of the interim period. To move forward, the partners in the Government of National Unity need to engage each other, confront difficulties and differences together through the Comprehensive Peace Agreement institutions, negotiate in good faith and make the necessary compromises in the interest of the shared principles enshrined in the Comprehensive Peace Agreement and the Interim National Constitution. I urge the parties to refocus on and accelerate the implementation process without further delay, with a view to consolidating the peace so that the people whose lives were adversely affected by conflict for so long can start to enjoy the benefits of stability and development.

96. The United Nations is working hard to use the resources at its disposal to support the implementation of the Comprehensive Peace Agreement and to ensure that the process remains on course, in spite of the many and complex challenges ahead. The United Nations remains totally committed to the implementation of peace in the Sudan. I have therefore been troubled recently by a growing anti-United Nations campaign in Khartoum and other Sudanese cities, as well as personal attacks on the leadership of UNMIS, including through elements of the press. These attacks, some of which contain entirely unacceptable and dangerous language, must cease. I call upon all political, military and civil elements of Sudanese society to work with the United Nations, which has been invited into the country by the governing authorities, to help achieve peace and prosperity for all Sudanese.

97. As I have stated in my previous reports, there is much to be done, and there is a role to be played by the entire international community. It is important that more resources are made available by the international community in a coordinated and timely manner, in particular for demining, the return of refugees and displaced

persons, reconstruction, development and institution-building in the areas in the Sudan that were most affected by the war.

98. Indeed, people's expectations of the peace dividend are high, particularly in southern Sudan. Yet, in 2005, they have seen very little improvement in their living conditions. Many people have returned to their home areas in the south. However, no basic infrastructure or social services have been established to receive them. Returnees are also facing major security problems due to the suspected mining of roads. It is crucial for bilateral and multilateral donors, including the United Nations, to start programming more resources for reconstruction, capacity-building and poverty eradication. The dividends of peace must be made visible to the Sudanese population as an essential part of successfully implementing the Comprehensive Peace Agreement. The United Nations will pursue its efforts, in collaboration with the Government of National Unity and the Government of Southern Sudan, to help turn as many of the people's expectations as possible into reality.



Map No 4249 Rev 4 UNITED NATIONS
March 2006

Department of Peacekeeping Operations
Cartographic Section